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December 11, 2006

**BY HAND & VIA ECF**

Hon. Naomi Reice Buchwald  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2270  
New York, New York 10007

Re: United States v. Anthony Colombo et al.  
**Including Christopher Colombo**  
04 Cr. 273 (NRB)

Dear Judge Buchwald:

I represent Christopher Colombo in the above referenced matter. On behalf of all the trial defendants, enclosed please find for your Honor's consideration a jury questionnaire as well as a suggested procedure on behalf of Anthony Colombo, Christopher Colombo, Nunzio Flaccavento and Francis Altieri, in order to facilitate and expedite the jury selection process. The government chose not to collaborate on the submission.

Pursuant to Fed. R. Crim. P. 24(b) we respectfully request the Court allow five (5) additional peremptory challenges for the defendants and three (3) additional for the government, totaling 15 and 9 respectively. These additional challenges are necessary due to the complexity of the case, the number of defendants as well as the different positions of each defendant. It would appear that a panel of 48 qualified prospective jurors would be a sufficient number to select a jury of 12 with 4 alternates. (16 seated jurors + 28 challenges [24 main + 4 alternate] + 4 "just in case").

On January 3, 2007 in the general jury assembly room, the jury clerk will distribute the questionnaires to the prospective jurors. Once completed, the government will make copies for all parties.

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On January 4, 2007 by 9:00 a.m. the government will distribute to the parties (or make available for pickup) all the completed questionnaires.

On January 4, 5, 6, and 7 the parties will review the questionnaires and prepare a list of the CAUSE CHALLENGES to be identified by juror numbers in chronological order. The defense list will be submitted jointly by all defendants.

On January 8, by 12:00 p.m. the parties will simultaneously exchange their for CAUSE lists with a copy given to the jury clerk. Each juror challenged in common by both the government and defense will be excused on consent without further inquiry, and the clerk will notify each excused juror by telephone. Any remaining for CAUSE challenges will be argued and addressed by the Court on the same date.

On January 11, proposed follow up questions will be submitted to chambers to be asked of the jurors when your Honor returns on January 16.

On January 16, the panel will be brought into the courtroom where the parties will be introduced and then 48 jurors will be randomly selected from the wheel and seated in the jury box. The follow up questions, if any, will be asked of these seated jurors. If a seated juror is excused, that seat will be filled randomly from the wheel.

Once there are 48 seated "qualified" jurors with no additional follow-up questions, the remaining panel in the courtroom will be excused and the parties will exercise their peremptory challenges in accordance with your Honor's regular practice.

It would appear that the proposed procedure will enable both sides to attempt to empanel a fair and impartial jury while at the same time expedite the process.

If your Honor has any questions or would like to discuss this matter further, please do not hesitate to contact me.

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Thank you for your consideration in this matter.

Respectfully Submitted,



Jeremy Schneider

cc: AUSA Lisa Baroni  
AUSA Jason Halperin  
All Defense Counsel

JS/et

Encl.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA :

-against- :

**JUROR QUESTIONNAIRE**

ANTHONY COLOMBO, :  
CHRISTOPHER COLOMBO, :  
JOHN BERLINGIERI, :  
JOSEPH FLACCAVENTO, :  
NUNZIO FLACCAVENTO, and :  
FRANCIS ALTIERI, :  
Defendants. :

04 Cr. 273 (NRB)

-----X

**Instructions**

Please complete the following questionnaire to assist the Court and counsel in selecting a jury to serve in this case. The purpose of these questions is not to probe unnecessarily into your private lives. Rather, the purpose of the questionnaire is to provide guidance to the lawyers and the Court in deciding whether you should serve as a juror on this particular case, and to ensure that the jury in this case is comprised of persons who can decide this case fairly and impartially.

Remember that there are no "right" or "wrong" answers to the questions asked; there are only truthful answers. You are sworn to give truthful answers, and any deliberately false answer to any question could subject you to prosecution for perjury or false swearing.

It is important that the answers you provide on this questionnaire are yours and yours alone. Do not discuss the questionnaire or your answers with anyone, including court personnel and, especially, your fellow prospective jurors.

PLEASE PRINT YOUR ANSWERS AND USE DARK INK TO ENSURE LEGIBILITY. IN ADDITION, PLEASE WRITE YOUR INITIALS AND YOUR JUROR NUMBER IN THE SPACE PROVIDED AT THE BOTTOM OF EACH PAGE.

Juror Initials \_\_\_\_\_  
Juror No. \_\_\_\_\_

YOUR NAME: \_\_\_\_\_

YOUR JUROR NUMBER: \_\_\_\_\_

I hereby certify that the foregoing information and all of the answers in this questionnaire are true and correct to the best of my knowledge.

\_\_\_\_\_  
SIGNATURE

## Description of the Charges

The defendants on trial, Anthony Colombo, Christopher Colombo, John Berlingieri, Joseph Flaccavento, Nunzio Flaccavento and Francis Altieri, are charged in the indictment with various criminal offenses. An indictment is the document used by the government to formally advise a defendant of the charges against him, but does not itself constitute evidence. They are not all named in the same charges. Most important, they are presumed innocent of these charges. Under the law, that means they are just as innocent of these charges as you are.

Mr. Anthony Colombo, Mr. Christopher Colombo, Mr. Berlingieri, Mr. Joseph Flaccavento, Mr. Nunzio Flaccavento and Mr. Altieri, have all pleaded not guilty to the charges against them. The purpose of the trial is for a jury to determine whether the government can prove these charges. A brief summary of the charges follows in order to give you a general understanding of what is alleged in this case. But, I remind you that you have not yet seen or heard any evidence as to these charges.

Under our system of laws, it is the prosecution that has the burden of proof. Each individual defendant is, and remains, innocent unless and until the prosecution comes forward at trial with competent evidence that proves, beyond a reasonable doubt, that the defendant is guilty of a crime charged against him. Obviously, the government can only sustain its burden of proof with competent evidence against an individual defendant and without any bias, passion, prejudice, surmise or speculation of any kind; we call this principle individualized justice, as opposed to guilt by association, which is absolutely wrong and has no place in our law or in justice. A defendant has no obligation to produce any evidence or to do anything else at trial. This is because the law presumes a defendant to be innocent of the charges brought against them. The defendants on trial, Anthony Colombo, Christopher Colombo, John Berlingieri, Joseph Flaccavento, Nunzio Flaccavento and Francis Altieri, are each entitled to that presumption of innocence.

I will be defining the charges and giving detailed instructions of law later in the case. For now, it is sufficient to say that the charges include allegations of racketeering, gambling, extortionate credit (loansharking), mail fraud and commercial bribery.

## JUROR QUESTIONNAIRE

### Hardship

1. After a jury is selected, the trial of this case will begin on January 16, 2007 at 9:00 a.m. The Court and the parties estimate that the trial will last approximately six to eight weeks (i.e. until late February or early March). Court will be in session from 9:00 a.m. until 2:15 p.m. each day, with a break from 11:15 a.m. to 11:45 a.m. Court will be out of session from Friday, February 16, 2007 through Sunday, February 25, 2007. Your presence will be required throughout the duration of the trial. Jury service is one of the highest duties and privileges of a citizen of the United States. Mere inconvenience or the usual financial hardships of jury service will be insufficient to excuse a prospective juror. Furthermore, in the event you are excused from service on this jury, you will not be excused from jury service in general and will be required to report to this Court's Jury Clerk for placement on another panel for another case.

Do you nevertheless wish to apply to the Court to be excused on the ground that jury service would be a serious hardship?

YES \_\_\_\_\_

NO \_\_\_\_\_

If yes, please indicate for which of the following reasons you are claiming hardship. (Please check all that apply.)

☐ Economic Hardship

☐ Child-care Obligations

☐ Job Responsibilities

☐ Physical Impairments

☐ Care for Elderly/Infirm Parents

☐ Other

Please explain the nature of your hardship:

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Whether or not you are claiming a hardship, please complete the rest of the questionnaire.

2. Do you have any difficulty reading or understanding English?

☐ YES      ☐ NO

3. What languages do you speak besides English?

\_\_\_\_\_

4. Do you have any physical problem (for example, sight or hearing) or emotional problem that would interfere with your ability to serve?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

5. Are you regularly taking any medication that could affect your ability to serve?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

**Your Background**

6. What is your age: \_\_\_\_\_

7. Are you:

MALE \_\_\_\_\_ FEMALE \_\_\_\_\_

8. Where were you born? (Limit answer to the state or, if outside the United States, the country.)

\_\_\_\_\_

9. What is your ethnic background? (For example, Irish, Korean, African-American, Jewish, Italian, Hispanic etc.)

\_\_\_\_\_



10. Are you: (Choose one)

- ☐ Married?
- ☐ Partner/Significant Other?
- ☐ Single, never married?
- ☐ Divorced/Separated?
- ☐ Widow/Widower?

11. Do you live in: (Choose one)

- ☐ a single family home
- ☐ an apartment
- ☐ a cooperative
- ☐ a condominium?

12. Do you presently:

- ☐ Own your own home?
- ☐ Rent?
- ☐ Neither own nor rent, but live with family/friends?

13. How long have you lived at your current residence? \_\_\_\_\_

If you have lived at your current residence for fewer than ten years, please identify (by county and state, or foreign country) the place where you lived before you moved to your current residence: \_\_\_\_\_

14. What is your county of residence? \_\_\_\_\_

15. If you live outside of New York City, what is the name of the town in which you live? \_\_\_\_\_

16. If you live in New York City, in what area or neighborhood do you live? (Example: Mid-town (East or West), Lower East Side, West Village, Washington Hts., Harlem, Upper East Side, Upper West Side, etc.) \_\_\_\_\_

17. For each person other than you who resides in your household, please complete the information below:

| Relationship<br>to you | Age | Highest<br>Education<br>Level<br>(if applicable) | Occupation<br>(if any) |
|------------------------|-----|--|------------------------|
|------------------------|-----|--|------------------------|

|       |       |       |       |
|-------|-------|-------|-------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

18. For each of your children, if any, who do not live with you, please complete the information below:

| Gender | Age | Highest<br>Education<br>Level<br>(if applicable) | Occupation<br>(if any) |
|--------|-----|--|------------------------|
|--------|-----|--|------------------------|

|       |       |       |       |
|-------|-------|-------|-------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

19. Are you: (Check any and all that apply.)

☐ Self-employed?  
☐ Employed full-time?  
☐ Employed part-time?  
☐ Working in the home?  
☐ Unemployed/laid off?  
☐ Retired?  
☐ Student?  
☐ Disabled and unable to work?

If you are a student, list your area(s) of study:

\_\_\_\_\_

20. If you are employed, what type of work do you do?  
If you hold more than one job, please indicate that.  
If you are retired or unemployed, what type of work did you  
last perform?  
Please give only the type of work in your response. Do not  
name your employer.

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21. If you are employed, please answer the following:

(a) How long have you been at your present job? \_\_\_\_\_

(b) Without mentioning the name of the union, are you a  
member of a union?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes:

(1) How long have you been a member of the union? \_\_\_\_\_

(2) Do you have a position in a union? \_\_\_\_\_

(3) If yes, what position? \_\_\_\_\_

(c) Do you supervise others in your job?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, how many? \_\_\_\_\_

If yes, how long have you been a supervisor? \_\_\_\_\_

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22. If you are self-employed, for how long have you been so? \_\_\_\_\_

Juror Initials \_\_\_\_\_

Juror No. \_\_\_\_\_

23. What is your annual income? If you are married and your spouse is employed, please include his/her income.

\_\_\_\_ Less than \$25,000  
\_\_\_\_ \$25,000 to \$49,000  
\_\_\_\_ \$50,000 to \$99,000  
\_\_\_\_ \$100,000 or more

24. Have you ever served in the military?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes:

(a) In which branch? \_\_\_\_\_

(b) When? \_\_\_\_\_

(c) How many years of service? \_\_\_\_\_

(d) Highest rank? \_\_\_\_\_

(e) Duties? \_\_\_\_\_

(f) Any combat duty? \_\_\_\_\_ If yes, where? \_\_\_\_\_

(g) Did you ever participate in any capacity in a court martial?

YES \_\_\_\_\_ NO \_\_\_\_\_

(h) Any service in the military police?

YES \_\_\_\_\_ NO \_\_\_\_\_

(i) Year of discharge? \_\_\_\_\_

(j) What type of discharge did you receive? \_\_\_\_\_

25. What is your highest level of education?

|                           |                            |
|---------------------------|----------------------------|
| ____ 0-8th Grade          | ____ College graduate      |
| ____ Some high school     | ____ Post-graduate studies |
| ____ High school graduate | ____ Post-graduate degree  |
| ____ Some college         |                            |

Juror Initials \_\_\_\_\_

Juror No. \_\_\_\_\_

26. Name any degrees you have earned and your major areas of study.

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27. Even if you never earned a law degree, please describe any law course you have taken (for example, business law courses in college, paralegal program, etc.).

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28. Please specify any other educational programs (such as vocational schools, night-schools, part-time study, and certification programs) you have attended:

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29. If you are married (or have a partner), state what level of education your spouse (or significant other) has completed and the area of study:

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**Your Experiences and Beliefs**

30. Have you, or has a family member or close personal friend, ever been a member of a group that lobbies or takes a public position on law enforcement issues?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, describe briefly the type of group (without specifically naming it) and the length of your involvement:

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31. Do you belong to any clubs, associations, or civic groups such as, but not limited to, Kiwanis, Rotary Club, Knights of Columbus, Veterans of Foreign Wars, American Legion, American Civil Liberties Union, National Rifle Association, League of Women Voters, or any other organization?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please list those to which you belong: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

32. What newspaper(s) or news magazine(s) do you read regularly?

\_\_\_\_\_  
\_\_\_\_\_

33. Approximately how many hours of television do you watch per week? \_\_\_\_\_

(a) What television news shows do you watch regularly?

\_\_\_\_\_  
\_\_\_\_\_

(b) List any television programs featuring fictional accounts of courtrooms, trials, etc. (for example, "Law and Order") that you watch regularly:

\_\_\_\_\_  
\_\_\_\_\_

(c) List any cable television networks which you watch regularly (for example, CNN, ESPN, HBO, Showtime, etc.):

\_\_\_\_\_  
\_\_\_\_\_

34. List your five most frequently watched TV programs and how often you watch them:

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35. List any radio news programs that you listen to regularly:

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36. As a result of your exposure to the media, news and otherwise, is there any reason why you cannot be fair and impartial in this case?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

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37. Do you follow crime stories or criminal cases in the newspapers or on television?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, what cases or stories have you followed recently?

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38. In general, do you think that people are influenced by what they see on TV and in the movies, and by what they read?

YES \_\_\_\_\_ NO \_\_\_\_\_

Juror Initials \_\_\_\_\_

Juror No. \_\_\_\_\_

39. List any hobbies or special interests that you have: \_\_\_\_\_

40. Do you or does any member of your family have a law degree?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please indicate the general areas of law (e.g., criminal/civil, litigation/corporate, etc.) in which you or your family member has had experience and roughly how long each has practiced in each area (without using names of individuals or specific places of employment):

41. Do you have any opinions about lawyers or law school that would make it difficult for you to render a fair and impartial verdict?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

42. Are you, or do you have a relative or close friend who is a judge, law clerk, court attendant, court clerk, probation officer, or other type of court employee?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

Juror Initials \_\_\_\_\_

Juror No. \_\_\_\_\_



43. Have you, or any family member or close friend, ever applied to work or actually worked in any area of law enforcement? (For example, any prosecutor's office, whether federal or state; any federal investigative agency, such as the FBI, Drug Enforcement Administration, Customs Service, Bureau of Alcohol, Tobacco and Firearms, Postal Inspectors; any state or local police department; any probation office; or any jail or correctional facilities.)

YES \_\_\_\_\_ NO \_\_\_\_\_

Are you planning, or (if you know) is anyone in your family or close circle of friends planning to apply for a law enforcement position?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes to either of the above, please describe. (If the person is someone other than yourself, you need not identify them by name, only by his or her relationship to you.)

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44. Have you ever sued anyone or been sued by anyone?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please describe, giving approximate date(s) and outcome(s): \_\_\_\_\_

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Juror Initials \_\_\_\_\_

Juror No. \_\_\_\_\_

45. Have you, or any family member or close friend, ever been charged with a crime or been the subject of a criminal investigation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

46. Have you, or any family member or close friend ever appeared or testified as a witness in any investigation or legal proceeding?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

47. Have you, or any family member or close friend, ever been questioned in any matter by any local, state or federal law enforcement agency?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

48. Have you ever had a dispute with any local, state or federal agency or any of its employees (for example, a tax audit)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

49. Have you, or any family member or close friend, ever been the victim of a crime (whether or not reported to the police)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

50. (a) Have you ever served:

|                                |           |          |
|--------------------------------|-----------|----------|
| As a grand juror?              | YES _____ | NO _____ |
| As a juror in a civil case?    | YES _____ | NO _____ |
| As a juror in a criminal case? | YES _____ | NO _____ |

(b) If you have served on a jury in a criminal case, please fill out the following chart:

| Date  | State or<br>Federal Court | Type of Case (e.g.,<br>robbery, arson, etc.) | Was there a<br>verdict?<br>(Yes/No) |
|-------|---------------------------|--|-------------------------------------|
| _____ | _____                     | _____  | _____                               |
| _____ | _____                     | _____  | _____                               |
| _____ | _____                     | _____  | _____                               |

51. If you served on a jury in a criminal case, were you ever the jury foreperson?

YES \_\_\_\_\_ NO \_\_\_\_\_

52. If you have any experience as a juror, did you find it to be a positive one?

YES \_\_\_\_\_ NO \_\_\_\_\_

If no, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Juror Initials \_\_\_\_\_

Juror No. \_\_\_\_\_

53. This case is being prosecuted by the United State Attorney's Office for the Southern District of New York. Michael Garcia is the United States Attorney for this district. Do you, or any family member or close friend, know or have any connection with Michael Garcia or anyone associated with his office?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

54. Prior to Michael Garcia, the United States Attorney for this District was David N. Kelley. Do you or any family member or close friend know or have any connection with David N. Kelley or anyone associated with his office?

YES \_\_\_\_\_ NO \_\_\_\_\_

55. (a) Do you, or does any family member or close friend, know or have any connection to any of the following prosecutors, or their relatives or friends?

- (i) Lisa A. Baroni
- (ii) Jason P.W. Halperin
- (iii) Preet Bharara
- (iv) Ben Lawskey
- (v) Ben Gruenstein
- (vi) Meryl Lutsky

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Juror Initials \_\_\_\_\_  
Juror No. \_\_\_\_\_

(b) Have you seen, heard or read anything about any of these prosecutors?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain what you have seen, heard or read:

\_\_\_\_\_  
\_\_\_\_\_

(c) Do you, or any family member or close friend, know or have any connection to the following law enforcement officers or their relatives or friends?

(i) TO BE SUPPLIED

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

56. The following lists the names of the defendants in this case and, immediately beneath each defendant's name, the of the lawyer representing him. Please indicate if you know or have heard of any of these individuals.

|                        |     |     |    |     |
|------------------------|-----|-----|----|-----|
| Anthony Colombo        | YES | ___ | NO | ___ |
| Attorney: Louis Fasulo | YES | ___ | NO | ___ |
| Aaron Goldsmith        | YES | ___ | NO | ___ |

|                            |     |     |    |     |
|----------------------------|-----|-----|----|-----|
| Christopher Colombo        | YES | ___ | NO | ___ |
| Attorney: Jeremy Schneider | YES | ___ | NO | ___ |

|                          |     |     |    |     |
|--------------------------|-----|-----|----|-----|
| John Berlingieri         | YES | ___ | NO | ___ |
| Attorney: Marion Seltzer | YES | ___ | NO | ___ |

|                        |     |     |    |     |
|------------------------|-----|-----|----|-----|
| Joseph Flaccavento     | YES | ___ | NO | ___ |
| Attorney: Louis Aidala | YES | ___ | NO | ___ |

|                      |     |     |    |     |
|----------------------|-----|-----|----|-----|
| Nunzio Flaccavento   | YES | ___ | NO | ___ |
| Attorney: Ira London | YES | ___ | NO | ___ |
| Avrom Robin          | YES | ___ | NO | ___ |

|                          |     |     |    |     |
|--------------------------|-----|-----|----|-----|
| Francis Altieri          | YES | ___ | NO | ___ |
| Attorney: William Cagney | YES | ___ | NO | ___ |

If yes to any of the above, please explain the circumstances under which you know or have heard of the individual: \_\_\_\_\_

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57. When you heard the names of the defendants in this case, what is the first thing that entered your mind?

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58. Do you have any opinions, impressions, or beliefs about people of Italian ancestry that would interfere with your fair evaluation of the evidence in this case?

YES \_\_\_\_\_ NO \_\_\_\_\_

Juror Initials \_\_\_\_\_

Juror No. \_\_\_\_\_

59. Do you have any feelings, bias, sympathy, or prejudice with reference to the defendants which would make it difficult for you to render a fair and impartial verdict based solely on the evidence presented at trial?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

60. Do you have any feelings, bias, sympathy or prejudice with reference to the Government which would make it difficult for you to render a fair and impartial verdict based solely on the evidence presented at trial?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

61. Do you have any religious, philosophical, moral or other belief that might make you unable to render a verdict for reasons unrelated to the law and the evidence?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

62. Is there any reason that you might fail to fairly and impartially evaluate all the evidence in this case without favor toward either the Government or the defendants?

YES \_\_\_\_\_ NO \_\_\_\_\_

Juror Initials \_\_\_\_\_

Juror No. \_\_\_\_\_

63. Will the fact that this case may make reference to organized crime, organized crime families or racketeering activities affect your ability to serve fairly and impartially?

YES \_\_\_\_\_ NO \_\_\_\_\_

64. Have you, your relatives or close friends, ever known anyone or had contact with anyone reputed to have ties to organized crime?

YES \_\_\_\_\_ NO \_\_\_\_\_

65. (a) Have you seen, heard or read anything (including books, magazines, movies or television, fiction or non-fiction) about alleged associations referred to by law enforcement and the media as "organized crime," or the "Mafia," or "La Cosa Nostra?"

YES \_\_\_\_\_ NO \_\_\_\_\_

(b) List any books or magazines you have read, or any movies or TV shows that you have seen, depicting so called "organized crime," or what is referred to by the media and law enforcement as the "Mafia" or "La Cosa Nostra." (For example, "The Sopranos" or "The Godfather," etc.)

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66. Have you formed any general opinions about persons of Italian ancestry based on what you have seen and heard in movies and on TV shows, or read in books or magazines?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

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67. Do you have any friends or relatives of Italian origin?

YES \_\_\_\_\_ NO \_\_\_\_\_

68. Does the name Antonin (Nino) Scalia mean anything to you?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please state who you believe him to be: \_\_\_\_\_

69. If you heard the name Sammy Alito, does anyone come to mind?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please state who you believe him to be: \_\_\_\_\_

70. Do you think that persons of Italian origin are stereotyped in the movies and on TV?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please describe the stereotype for both men and women: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

71. Do you believe that the negative stereotyping of persons of Italian heritage, as depicted in the movies, on TV and in the media for decades has had an effect (even if subconscious) on those who have been exposed to such shows, movies, etc?

YES \_\_\_\_\_ NO \_\_\_\_\_

72. (a) Did you see, or are you familiar with, Steven Spielberg's animated children's movie, "Shark's Tale," in which the "fish" mobster characters have Italian names?

YES \_\_\_\_\_ NO \_\_\_\_\_

(b) Do you think it was appropriate to include ethnic stereotypes in a movie directed at young children, thereby exposing a new generation of people to such stereotypes?

YES \_\_\_\_\_ NO \_\_\_\_\_

(c) Please explain your answer to (b), whether yes or no:

\_\_\_\_\_  
\_\_\_\_\_

73. (a) Have you or any close friend or relative, ever been involved in any way in conduct involving loansharking, extortion, illegal gambling, mail fraud or commercial bribery?

YES \_\_\_\_\_ NO \_\_\_\_\_

(b) Have you or any close friend or relative, ever been treated or received counseling for an alcohol, gambling or substance abuse problem?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes to either of the above, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

74. (a) Have you or any close friend or relative, ever been involved in legal gambling at OTB; Las Vegas; Atlantic City; the Islands; cruise ships; horse races; office pools or anywhere else?

YES \_\_\_\_\_ NO \_\_\_\_\_

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(b) If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) If yes, what is the largest amount of money you have ever lost on a bet? \_\_\_\_\_

75. Will the nature of the charges in this case, loansharking, extortion, illegal gambling, mail fraud and commercial bribery, affect your ability to serve fairly and impartially?

YES \_\_\_\_\_ NO \_\_\_\_\_

76. How is your personal credit? (Choose one)

\_\_\_ Excellent  
\_\_\_ Good  
\_\_\_ Fair  
\_\_\_ Poor  
\_\_\_ Cannot get credit

77. Have you or any close friends or relatives had any dealings with debt collection agencies?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

78. Have you or any close friends or relatives ever filed for bankruptcy?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

79. Other than a home loan, mortgage or petty cash, have you ever borrowed money from an individual?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

80. List any foreign countries to which you have traveled: \_\_\_\_\_

\_\_\_\_\_

### **Legal Principles**

This section explains some of the fundamental legal principles on which the Court will give you instructions during the trial. If you believe you cannot follow these principles, you are duty bound to let the Court know now.

81. Under the law, the facts at issue in this trial are for the jury to determine. The law applicable to the charges in the case is something on which the court will instruct you. You are required to accept the law as the judge explains it to you regardless of any opinions you may have as to what the law is or should be. Would you have any difficulty following that rule?

YES \_\_\_\_\_ NO \_\_\_\_\_

Juror Initials \_\_\_\_\_

Juror No. \_\_\_\_\_

82. Every defendant is presumed innocent and cannot be convicted unless the jury, unanimously and based solely on the evidence against him in this case, decides that his individual guilt has been proven beyond a reasonable doubt. Would you have any difficulty following this rule?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

83. Under the law, a defendant need not testify or produce any evidence. The burden of proof is always on the Government. If a defendant does not testify, the jury may not consider that fact in any way in reaching a decision. Would you have any difficulty following this rule?

YES \_\_\_\_\_ NO \_\_\_\_\_

84. The defendants are charged with a number of separate crimes. Under the law, you must consider each individual defendant and each alleged crime separately. You must find the defendant not guilty of each count unless the evidence that has been presented in court proves him guilty on that count beyond a reasonable doubt. Would you have any difficulty following this rule?

YES \_\_\_\_\_ NO \_\_\_\_\_

Juror Initials \_\_\_\_\_

Juror No. \_\_\_\_\_

85. The burden of proof in a criminal case is greater than in a civil case, and indeed is the highest burden of proof known. As explained above, in a criminal case the Government must prove beyond a reasonable doubt, and as to each individual defendant, that a defendant committed a crime. In a civil case, the person bringing the law suit (the plaintiff) must show only that it is more likely than not that he/she is entitled to relief. Thus, in a civil case, the test is "more likely than not" while in a criminal case, it is "beyond a reasonable doubt."

Do you understand that the burden of proof in a criminal case is greater than that in a civil case?

YES \_\_\_\_\_ NO \_\_\_\_\_

86. The Government is permitted by law to acquire and present evidence through various means and techniques. It is, in the first instance, a question of law for the court to decide whether certain items or testimony are properly received as evidence at trial. If the Court does permit certain items or testimony to be received as evidence, the jury must then decide what evidence it credits and how much importance that evidence deserves.

Some of the evidence in this case may be in the form of:

- (a) tape recorded conversations (or "wiretaps") electronically monitored pursuant to court order or consensually recorded conversations obtained legally;
- (b) photographs or videotapes of surveillance secretly conducted by law enforcement authorities;
- (c) items seized pursuant to searches conducted by law enforcement authorities;
- (d) testimony of accomplices, that is, persons who are alleged to have participated in the crimes charges, and who have entered into agreements with the prosecution;
- (e) testimony of Government informants, or evidence gathered through the use of informants;
- (f) government agents who may testify about background, or about law enforcement in general, or about a particular individual defendant.

Do you have any opinions about any of these types of evidence or the techniques used in obtaining such evidence that might affect your ability to consider such evidence fairly and impartially?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

87. Some witnesses in this case may be law enforcement officers or government officials. The credibility or believability of these witnesses is to be judged by the same standards as any other witness. Their testimony is not entitled to any greater or lesser weight simply because they are involved in law enforcement. Would you have any difficulty following this rule?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

88. This case may receive attention in the media. Will you accept the proposition that the only evidence you should consider is the evidence received in this courtroom and that you are to ignore any statements made by the media, which may be inaccurate?

YES \_\_\_\_\_ NO \_\_\_\_\_

89. Some evidence in this case may indicate that defendant(s) was/were incarcerated at certain times relevant to the charges at issue in this trial. A defendant's conviction and incarceration for past criminal conduct may not be considered by you as proof that he likely committed the charged crimes. Would you have difficulty following this rule?

YES \_\_\_\_\_ NO \_\_\_\_\_

90. Is there any matter that you wish to call to the Court's attention that may have any bearing on your qualifications to serve as a juror or that may affect your ability to render an impartial verdict based solely on the evidence or the lack thereof and the Court's instructions on the law?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

Juror Initials \_\_\_\_\_  
Juror No. \_\_\_\_\_



91. At the end of this questionnaire you will find Attachments A and B. Attachment A is a list of names that may be relevant to this case and Attachment B is a list of places that may be relevant to this case. Please circle the names of any persons or places familiar to you.

**ATTACHMENT A**

*\*\* This list to be supplemented by the Government.*

FRANCIS ALTIERI  
JAMES AUSTIN  
LUCILLE AUSTIN  
JOHN BERLINGIERI  
LEO CALDERA  
GERARD CLEMENZA  
ANTHONY COLOMBO  
ANTHONY E. COLOMBO  
CAROL COLOMBO  
CHRISTOPHER COLOMBO  
JOSEPH COLOMBO  
JOHN CONTINO  
ANTHONY DEFRANCO  
PHILIP DIOGUARDI  
ROBERT DI MARTINO  
JOSEPH FLACCAVENTO  
NUNZIO FLACCAVENTO  
DOMINIC FONTI  
GEOFFREY HAWTHORNE  
JOSEPH HERNANDEZ  
BRYAN KELLY  
WARREN MILLER  
ANTHONY SEDIA  
PAUL SEIPMAN  
DOUBLECLICK  
EDP CONSTRUCTION, INC.  
EDP FACILITIES MANAGEMENT, INC.  
EDP INTERIORS, INC.  
TIGER INTERIORS, INC.  
XYZ MAINTENANCE,

**ATTACHMENT B**